

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ NOV 10 2011 ★

BROOKLYN OFFICE

----- X
MICHAEL FARRELL,

Petitioner,

- against -

UNITED STATES OF AMERICA,

Respondent.
----- X

ORDER

11 Civ. 4729 (BMC)

On September 28, 2011, petitioner filed the instant 28 U.S.C. § 2241 petition challenging a Disciplinary Hearing Officer's decision to take 150 days of his good time credits. By Decision and Order dated October 3, 2011, I directed petitioner to show cause, within 30 days, why his petition should not be dismissed for failure to exhaust administrative remedies. Thirty days has since passed and petitioner has failed to respond. Accordingly, the petition is dismissed for failure to exhaust administrative remedies. See Carmona v. U.S. Bureau of Prisons, 243 F.3d 629, 632, 634 (2d Cir. 2001). I certify, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917 (1962). The Clerk of the Court is directed to mail a copy of this Order to petitioner pro se.

SO ORDERED.

Dated: Brooklyn, New York
November 9, 2011

22

U.S.D.J.

am